

## UNITED STATES DISTRICT COURT

for the

Southern District of New York 

)  
 )  
 DAYSI HERNANDEZ, Individually, and On Behalf of  
 All Others Similarly Situated,  
 )  
 )  
 )

*Plaintiff(s)*

v.

Civil Action No. 22cv9801

)  
 )  
 DOWNNEAST CIDER HOUSE, LLC,  
 )  
 )

*Defendant(s)*

)

**SUMMONS IN A CIVIL ACTION**To: (*Defendant's name and address*)

DOWNEAST CIDER HOUSE, LLC  
 c/o CHARLES M. GRACEFFA  
 MERRILL'S WHARF  
 254 COMMERCIAL STREET  
 PORTLAND, ME 04101

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

MIZRAHI KROUB LLP  
 225 Broadway, 39th Floor  
 New York, NY 10007

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*CLERK OF COURT*Date: November 18, 2022/S/ S. James*Signature of Clerk or Deputy Clerk*

 A handwritten signature "S. James" is written over a circular official seal. The seal contains the text "UNITED STATES DISTRICT COURT" at the top, "FOR THE SOUTHERN DISTRICT OF NEW YORK" around the bottom, and features a central emblem with stars and stripes.

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

**(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))**

This summons for (*name of individual and title, if any*) \_\_\_\_\_  
was received by me on (*date*) \_\_\_\_\_.

- I personally served the summons on the individual at (*place*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_,  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on (*date*) \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- I served the summons on (*name of individual*) \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of (*name of organization*) \_\_\_\_\_  
on (*date*) \_\_\_\_\_; or
- I returned the summons unexecuted because \_\_\_\_\_; or
- Other (*specify*): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

*Server's signature*

\_\_\_\_\_ *Printed name and title*

\_\_\_\_\_ *Server's address*

Additional information regarding attempted service, etc: